

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

NETSOC, LLC,

Plaintiff,

v.

CHEGG, INC.,

Defendant.

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Case No. 1:18-CV-10262-RA

JURY TRIAL DEMANDED

CASE MANAGEMENT PLAN AND SCHEDULING ORDER

RONNIE ABRAMS, United States District Judge:

Pursuant to Rules 16-26(f) of the Federal Rules of Civil Procedure, the Court hereby adopts the following Case Management Plan and Scheduling Order:

1. All parties do not consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. *[If all parties consent, the remainder of the Order need not be completed at this time.]*
2. The parties have engaged in settlement discussions, in that Plaintiff made an offer to settle.
3. This case is to be tried to a jury.
4. No additional parties may be joined after June 7, 2019 without leave of the Court.
5. No amendments to the pleadings may be made after June 7, 2019 without leave of the Court.
6. Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure shall be completed no later than March 8, 2019. *[Absent exceptional circumstances, within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f).]*
7. All fact discovery is to be completed no later than November 13, 2019. *[A period not to exceed 120 days unless the case presents unique complexities or other exceptional circumstances.]*
8. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the

Court, provided that the parties meet the deadline for completing fact discovery set forth in ¶ 7 above.

- a. Initial requests for production of documents shall be served by April 30, 2019.
 - b. Interrogatories shall be served by October 11, 2019.
 - c. Depositions shall be completed by October 11, 2019.
 - d. Requests to Admit shall be served no later than October 11, 2019.
9. All expert discovery, including disclosures, reports, production of underlying documents, and depositions shall be completed by January 20, 2020. [The parties shall be prepared to describe their contemplated expert discovery and the bases for their proposed deadlines at the initial conference.]
 10. All discovery shall be completed no later than January 20, 2020.
 11. The Court will conduct a post-discovery conference on _____ at _____. [To be completed by the Court.] No later than one week in advance of the conference, the parties are to submit a joint letter updating the Court on the status of the case, including but not limited to whether either party intends to file a dispositive motion and what efforts the parties have made to settle the action.
 12. Unless otherwise ordered by the Court, the joint pretrial order and additional submissions required by Rule 6 of the Court's Individual Rules and Practices shall be due thirty (30) days from the close of discovery, or if any dispositive motion is filed, thirty (30) days from the Court's decision on such motion. This case shall be trial ready sixty (60) days from the close of discovery or the Court's decision on any dispositive motion.
 13. Counsel for the parties propose the following alternative dispute resolution mechanism for this case:
 - a. _____ Referral to a Magistrate Judge for settlement discussions.
 - b. _____ Referral to the Southern District's Mediation Program. [*Note that all employment discrimination cases, except cases brought under the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq., are designated for automatic referral to the Court's Alternative Dispute Resolution program of mediation. Accordingly, counsel in such cases should select 13(b).*]
 - c. X Retention of a private mediator.

The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.

14. The parties have conferred and their present best estimate of the length of trial is seven (7) days.
15. Plaintiff shall submit its Disclosure of Asserted Claims and Infringement Contentions pursuant to Local Patent Rule 6 on April 8, 2019.
16. Defendant shall submit its Invalidity Contentions pursuant to Local Patent Rule 7 on May 23, 2019.
17. The parties shall exchange proposed terms and claim elements for construction on June 24, 2019.
18. The parties shall exchange preliminary claim constructions and extrinsic evidence on July 24, 2019.
19. The parties shall file a Joint Disputed Claim Terms Chart pursuant to Local Patent Rule 11 on August 23, 2019.
20. The parties shall complete all discovery related to claim construction, including any depositions with respect to claim construction of any witnesses, such as experts identified in the Joint Disputed Claim Terms Chart by September 16, 2019.
21. Plaintiff shall file an opening claim construction brief pursuant to Local Patent Rule 12(a) on September 23, 2019.
22. Defendant shall file a responsive claim construction brief pursuant to Local Patent Rule 12(b) on October 23, 2019.
23. Plaintiff shall file a reply claim construction brief pursuant to Local Patent Rule 12(c) on October 30, 2019.
24. The parties shall jointly file a claim construction chart by November 13, 2019.
25. The parties shall appear for a claim construction hearing on December 13, 2019 at _____am/pm.
26. The party claiming infringement may file amended infringement contentions within 30 days of the Court's claim construction ruling. The party opposing a claim of patent infringement may file amended invalidity contentions within 50 days of the Court's claim construction ruling.
27. Pursuant to Local Patent Rule 10, each party that will rely on an opinion of counsel as part of a defense to a claim of willful infringement or inducement of infringement, or that a case is exceptional, must produce or make available for inspection and copying the opinion(s) and any other documents relating to the opinion(s) as to which attorney-client or work product protection has been waived as a result of such production by 30 days after the Court's claim construction ruling.

SO ORDERED.

Dated:

New York, New York

Ronnie Abrams
United States District Judge

Date: February 22, 2019

Respectfully submitted,

By /s/ Robert Greeson
Robert Greeson

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Attorneys for Defendant Chegg, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 22, 2019, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system. Any other counsel of record will be served in accordance with the Federal Rules of Civil Procedure.

/s/ /Robert Greeson/

Robert Greeson